K 1950

Examined

File No. S. Bel 12/50

Legal Department

A BRANCH

Subject:— Belgaum Suit

Civil Suit No. 52 of 1949

Annu Dada Chougule — Plff

vs.

The State of Bombay } Defts.

and another

For damages for wrongful

arrest, etc.

P 23 F-K

S. Belgaum 12/50

File No.

S.Bel.12/

CONTENTS.

Legal Department File No. S. Bel. 12/50

Sr.No.	R.I./O.No.	Subject	Pages.
		Suits Belgaum.	
		C. S. No. 52 of 1949.	
		Annu elada chougle.	
		Vs.	
		State of Bombay and another.	
		claim — Rs. ~~751~~ 751/-	
		For damages for wrongful arrest, etc.	
		1 — 28.	

Special Case No. 52 of 1949.

In the Court of the Civil Judge, Belgaum.

1.Annu Dada Chougle, Age 35, Jain, Agriculturist,
of Ugar Budruk, Taluka:- Athani. Plff.

Vs.

1. R.D.Jadhav, 30, Police Sub-Inaspector,
Maratha of Kudachi, Taluka Athani now
City Sub Inaspector Bidar, Nizam State. Deffts
2. Province of Bombay.(summons to be served on the
the Collector of Belgaum.)

Claim Rs:-
Juridiction:-

Here-in the plff above named beg to submit as under

1.One parisa Devappa Gadade of Ugar-Khurd lodged a complaint at the police station Kudachi against the plff and others, alleging that the accused on 19-7-1948 armed with deadly weapons and being a members of an unlawful assembly, entered into the site situated in Vasudev's lane in the alleged Vahiwat of the said Parisa, pulled down the roof and caused simple hurt to him. This information filed by the said Parisa came to be registered under sects.147,148, 323, 504,506,426, 447,I.P.C. at the Kudachi Police Station.

2. The deft. No.1 was officiating as P.S.I of Kudachi police station on and about 19-7-1948. He recorded certain statements beyond back of the plff and illegally and without any reasonable cause (malafide) arrested the plff and others hand-cuffed them and paradedthem in the village himself - following with revolver pointing at them,he took them to Kudachi on 5-8-48 and sent them the next day under gaurds to Athani for production before the Magistrate who released them on bail.

3.The deft, through incitement given to him by theplff's enemies, mala-fide and with a view to lower the prestige and estimation of the plff and others in the eyes of the villager arrested,the plffs and did all the acts mentioned above, on 5-8-1948. About 10 P.M. on 4.8.1948, plff No.1 was sent for by the deft P.S.I to the chavadi of the village of Ugar-Khurd. The P.S.I called him aside ans said that there

was sufficient evidence against him and that he(P.S.I) would arrest all the accused. He said that unless a sum of Rs. 500/- was forhwith paid, he would arrest the plffs. Plff No.1 entreated him that he could not pay such a large amount and pleaded for an enquiry which would show that the complaint was false. The P.S.I would not listen to the plff No. 1's entrities, but very angrily threatened him. The plff requested him to give some time, but the P.S.I instisted on the payment forthwith. With a view to get money, plff went to one Annasaheb Adagouda Patil and told him the purpose of his visit to him. He gave plff only Rs.100/-. He(plff) then went to Devendra Pandit to whom also he narrated the whole story. He also gave plff Rs. 100/-. With this amount, plff came to the P.S.I with the above said Annasaheb and Devendra. The amount of Rs. 200/- in currency notes of Rs. 10/- each was paid to the P.S.I. and there entreated him not to demand more. The P.S.I refused to listen and gave time only till next morning to pay the balance.

4. The next morning Plff 1. was sent for by the P.S.I. The plff saw him and pleaded his (plff's) inability and asked for time. Then the P.S.I sent for the other accused and directed the constable to hand-cuff them and rope them. They did accordingly. Plff No. 1 requested not to dis-honour them, with tears in the eyes, but to no effect. Plff 1. also told him that he has to attend P.O's Court at Belgaum.All the plffs were paraded in the village and then taken to Kudachi police station on foot, himself pointing his revolver towerds them. Plff 1 said that he would he give any security, but the P.S.I was bent upon dishonouring them and he did dishonour them.

5. The plff and other accused were kept at Kudachi for one day in confinment and then sent to Athani in handcuffs to the R.M.P.C, Athanion 6-8-1948. The Court released them on bail on the same day.Some persons from also tried to persude the P.S.I. to release the plff, but he did not agree.

3 Ex

6. The acts of the deft No.1 mentioned above, are done by him under colour of officer and as a servant of deft No.2 The deft No. 1 is refusing to return the sum of Rs. 200/- with interest, illegally taken by him. the deft No.1 has caused great bodily and mental pain to the plff and other accused. Hence this suit has been filed against both the defts for the return of the sum of Rs. 200/- and also dama-ges from them.

7. The plff has suffered damages as under:-

General damages for loss of reputation, mental and bodily pain Rs. 500/-	500 - 0.-0
Special damages:-	
Pleaders fee for getting the plffs released on bail.	50 - 0 -0
Motar fare from Athani to Shedabal	0 -14 -0
Rly fare from Shedbal to Ugarkhurd.	0 - 2 -0
	551 - 0 -0
Plus the amount mentioned in para 3 of plaint.	200 - 0 -0
Total Rs.	751 - 0 -0

8. Notice as required by section C.P.C and the Dist. Police Act has been served on the defts.

8A. The cause of action arose on 4-8-48 and 5-8-48 within the Special Juridiction of this court. Hence this court has juridiction.

9. As deft No. 1 is the servant of deft No.2 both are - liable for the suit claim. Hence they are joined in this suit as defendants.

10. Necessary Court fee has been paid on Rs. 751 i.e. of Rs. 71-4-0.

11. Plff prays:-

(i) That the sum of Rs. 751-0-0 be decreed with future interest at 12 p.c. in favour of the plff from defts.

(ii) The costs of the suit be awarded.

(iii) Any other proper and necessary reliefs granted.

(iv) Permission to amend the plaint be granted.

Documents as per list accompany.

Sd/-

Date. Pl. for plff.

Reg. O.S.No. 52 of 1949.

In the Court of the Civil Judge, S.Dn, Belgaum.

1. Annu Dada Chougle of Ugar Budruk ... ... Plff.

against.

1. R.D.Madhav, Police Sub-Inaspector, Belgaum.
1. The State of Bombay. ... . Defts.

Herein, the appoication of Deft No. 1 U/S 151 of the Civil Procedure Code, for restraining defendant No.2 from holding departmental proceeding against deft No.1 in respect of the subject matter of this suit, is as under:-

1. The plff in this suit has averred in his plaint in paras 2, 3 and 4 that the deft No.1 arrested the plff, handcuffed him and paraded him in the village with a view to lower prestige of the plff. (ii) That plff said that he would give any security but deft No.1 being bent on dishonouring him dishonour him. (iii) That he demanded a sum of Rs. 500/- on pain of arresting the plff and that the plff paid Rs.2 to deft No. 1.
2. Deft No.1 is a Police Sub-Inaspector working under the D.S.P. Belgaum who is virtually deft No.2 in this suit, being the head of the Police Department in this District. (hence forward, he is termed as deft No.2). The suit was filed on -2-1949. After that deft No.2 kept deft No.1 under supsension and initiated a departmental proceeding against deft No.1 on the following charges:-

(1) That deft No.1 deliberately arrested, handcuffed, roped and paraded the plff through the village and wrongfully confined him with the intent to dishonour him (ii) That deft No.1 did not realease the plff on bail though the bail was offered. (iii) The deft No.1 demanded bribe of Rs. 500/- and actually received Rs. 200/- from him.

3. Deft No. 1 requested deft No.2 on 20-12-1949 not to proceed with the departmental proceedings, since doing so amount to contempt of court. But deft No.2 has disregarded his request and is about to commence the departemental proceeding

4. The acts of deft No.2 of suspending deft No.1 from service and of holding the departmental proceeding are calculated to obtruct and interfere with the duecourse of justice. The said acts tend to prejudice the public and the court against deft No.1. They are public - denunciation of deft No.1's conduct which would deter witnesses from deposing in favour of deft No.1.

5. Deft No. 2 is going to examine the witnesses for the plff and announce his own decision as to their truthfulness or otherwise. It is the prerogative of this court to give a final decision in this suit after taking evidence on both the sides. But deft No.2 is - usirping the functions of this court and taking away - the investigation of this suit out of the hands of this court. Je is depriving deft No.1 from having an unprejudiced hearing at the trail of this suit on the merits thereof. He is going to give a verdict on facts which are directly at issue in this suit. He is attacking the conduct and character of deft No.1.

6. The above said acts of deft No.2 need not be restrained until the final decision of this suit to safegaurd the ends of justice and to prevent deft No.2 from - committing contempt of court. Deft No.1 has no other - remedy in this respect.

7. Deft No.1 prays that:-

Deft No.2 directly not to proceed with the departmental proceeding and to rescind the order of suspension of - deft No.1 from service pending the final decision - decision of this suit.

Belgaum
14-4-1950.

Sd.
Applicant.

Drafted and presented by
Mr. Behare, Pleader.

Order.

Govt. Pleader(i.e. for deft No.2) to give his say.

-17-

This relates to the defence of Belgaum Suit No 52 of 1949. It is filed by one Annu Dada Chougle against one R.D.Jadhav a Police Sub-Inspector (Defendant No.1) and the Government of Bombay (Defendant No.2). It is alleged in the plaint that one Devappa filed a complaint against the plaintiff and others for offences under sections 147, 148, 323, 504 etc., of the Indian Penal Code. The investigations of the case was taken up by the Defendant No.1 who is alleged to have recorded certain statements behind the back of the plaintiff and illegally and without any reasonable cause arrested the plaintiff and others, handcuffed them and paraded them in the village, himself following with a revolver pointing at them. It is further alleged that on 5-8-48 the Defendant No.1 told the plaintiff that there was sufficient evidence against him, and that he would arrest the plaintiff and others unless he was paid a sum of Rs 500/-. The plaintiff , therefore, collected Rs 200/- from his friends andpaid that amount to the defendant No.1 and requested him not to demand more. But the Defendant No.1 refused to listen to him and gave him time till the next morning to pay up the balance. The plaintiff having failed to do so the defendant directed that the plaintiff and others should be handcuffed. He was kept in confinment for one day and then sent to Athani in handcuffs to the Resident Magistrate,First Class on 6th August 1948 where he was released on bail. The plaintiff contends that the acts of the defendant No.1 were malafied and with a view to lowering his prestige and reputation and he,therefore, claims a refund of Rs. 200/- which he paid to the Defendant No.1 plus Rs.500/- as general damages for reputation, mental distress

etc., plus Rs 50/- as pleader's fees.

2. From the report of the District Superintendent of Police dated the 25th March 1950, it would seem that Government does not wish to undertake the defence of the suit on behalf of the Defendant No.1 and so far as Government is concerned the D.S.P.says that the Defendant has received Rs. 200/- as illegal gratification, that this act was not committed in the discharge of his duties and the Government is, therefore, not liable to refund that amount or anything to the plaintiff.

3. The defendant No.1 has, in the meanwhile, applied to the Court for an interim injunction against defendant No.2. It seems from a copy of that application that the District Superintendent of Police has started a departmental inquiry into the conduct of the defendant No.1 in this case. The charges framed against him are that (1) he deliberately arrested, handcuffed, roped and paraded the plaintiff through the village and wrongfully confined him with the intention of dishonouring him; (2) that the defendant No.1 did not release the plaintiff on bail though bail was offerred; (3) that he demanded the illegal gratification of Rs 500/- and actually received Rs 200/- from him. These charges are substantially the same as those made up by the plaintiff in this suit. The defendant No.1, therefore, contends that while the case filed by the plaintiff against him is sub-judice the departmental inquiry will prejudice his case and is likely to interfere with the course of justice. On these and other grounds he prays that the departmental inquiry should be stayed pending the decision of the suit.

4. If the averments made in the application of the defendant No.1 are correct, it is advisable for Government to stay its hands so far as the departmental inquiry is concerned. The witnesses who will depose

against this defendant in the inquiry will probably be the same who will give evidence for the plaintiff in the suit and there will thus be two parallel inquiries into the same allegations and if the result of the departmental inquiry goes against the defendant No.1 he will be entitled to contend that his case was pre-judged and prejudiced before hand by Government. On the other hand, Government would be at liberty to proceed with the departmental inquiry after the decision in the Civil Suit - whatever it may be. The request of the defendant No.1 is reasonable and the Court is likely to grant the injunction prayed for. Before that is done, however, it is advisable that Government stayed their hands and postponed the departmental inquiry. The papers may be forwarded to the Administrative Department for consideration.

RM
27-4-50

R.L.A I agree, subject to the proviso that we must move the proper for cancellation of suspension. The Court proceedings will not be appealed by the suspension; and from the departmental inquiry proceeded, Govt had every right to suspend him. The papers must we are

are prepared to entertain
a Communique for a
departmental inquiry cannot
appear our right of suspending
him

27/4.

W.D.O. 5808
9.28-4.50

A draft memo to the a.g.p. is put
up for approval.

3/5

A.S. The instructions to the D.S.P.
can be issued after the
H.C. is issued giving
instructions the departmental
inquiry should after the civil
is decided. If that is, our done
papers may be forwarded M.C.
to H.C. for such action.

3/5

L.D.6085
6/5/50

W.O.R. to H. C. No. 6085 dt. 4-5-50.

-37-

11 49

Belgaum C.S.No.52 of 1949.

This suit for damages is filed against the high handed actions of a police officer who is now under suspension and Government ~~to be impleaded as defendant No.2~~ is impleaded being the employer as defendant No.2. The suit is defensible. Sanction may be accorded to the defence of the suit on the ~~basis~~ lines of the appended brief. Instructions regarding defendant No.1's application are also incorporated in the brief (vide orders at pp. 17-18 ante).

Dy. Regr
22/6

AS The brief is in order and may be approved.
RW
22/6/50

A.L.R R.K. 22/6

Secy. H.D. VRD 24/6

No. 8623
J. 23/4153

13 35
13

Civil Suit No.52 of 1949.

In the Court of Civil Judge, Senior Division at Belgaum.

Annu Dada Chougle. ..... Plaintiff;

Vs.

The Province of Bombay and another. .... Defendants.

Herein the Written Statement of Defendant No.2 is as follows :-

1. This Defendant does not admit the allegations of facts contained in para. 1 to 5 of the plaint. The plaintiff should therefore be put to strict proof of the same.

2. Assuming the allegations of facts made in the plaint to be true, the said facts do not disclose any cause of action against the defendant.

3. This defendant is not liable for the wrongful or tortious acts of any of the defendant No.1. The suit against this defendant is therefore not maintainable.

4. The allegations in plaint, moreover, are such as to make the Police Sub-Inspector(Defendant No.1) alone liable. It is clear from the said allegations that Shri Jadhav (Defendant No.1) is alone personally liable for the claim against him. There is no case for holding public Revenue responsible for the personal acts of Shri Jadhav Defendant No.1. The sum of Rs. 200/- alleged to have been received or extorted by Defendant No.1 was received by him as illegal gratification and cannot be said to have been received by him in the ordinary course of his duties as a Sub-Inspector of Police and a Government servant.

5. This defendant has not ratified the alleged illegal Acts of Defendant No.1. It has on the contrary expressly disapproved of them and the District Superintendent of Police, Belgaum, has suspended Defendant No.1 and a departmental inquiry, is still pending against defendant No.1 in respect of the alleged illegal acts.

6. In the circumstances, the suit against defendant No.2 be dismissed summarily as not disclosing any cause of action

7. The notice of suit purporting to have been sent under section 80 of the Civil Procedure Code is not proper. The suit therefore is not maintainable without proper notice.

The suit may therefore dismissed with costs.

District Government Pleader,
Belgaum.

LK. 27/-

15·45.

Suits :
Belgaum.
For damages for wrongful arrest, etc.

GOVERNMENT OF BOMBAY.

LEGAL DEPARTMENT.

Resolution No. 8909.

Bombay Castle, 28th June 1950.

Letter from the Collector of Belgaum, No. L.A.W.-826, dated the 17th April 1950—Forwarding papers in the suit noted in the margin and requesting sanction to its defence.

IN THE COURT OF THE CIVIL JUDGE (SENIOR DIVISION), BELGAUM.

Civil Suit No. 52 of 1949.

Annu Dada Chougule ... ... Plaintiff;

versus

The State of Bombay and another ... ... Defendants.

Claim—Rs. 751.

Memorandum to the District Government Pleader, Belgaum, No. 8756, dated the 26th June 1950—Forwarding a copy of the brief with its accompaniments in advance.

AXB Leg H 58—1

RESOLUTION.—Sanction is accorded to the defence of the suit on the lines of the accompanying brief.

By order of the Governor of Bombay,

P. M. LAD,
Secretary to Government.

G. R., L. D., No. 8909, dated the 23th June 1950.

To

The Home Department
The Collector of Belgaum } with a copy of the brief.
The District Government Pleader, Belgaum (with two copies of the brief).

No. of 1950.

Copy forwarded for information and guidance to

Issued cp 17/8/50

Subtd. after issue — Fish in S. Belgaum/50

18/8 Subdt. Pdr 1878

17 45

BELGAUM CIVIL SUIT No. 52 OF 1949.

Chronological Statement of Facts.

This suit is filed by Shri Annu Dada Chougule of Ugar Budruk, taluka Athani, against Shri R. D. Jadhav, Sub-Inspector of Police, Kudachi, (defendant No. 1) and the State of Bombay (defendant No. 2) claiming a sum of Rs. 500 as damages for loss of reputation, mental and bodily pain and for return of the sum of Rs. 200 paid by him to the said Sub-Inspector as illegal gratification.

2. It is alleged that one Parisa Devappa Gadade filed a complaint against the plaintiff and others for offences under sections 147, 148, 323, 504, etc., of the Indian Penal Code. The investigation of the case was taken up by defendant No. 1, who, it is alleged, recorded certain statements behind the back of the plaintiff and illegally and without any reasonable cause arrested him and others handcuffed them and paraded them in the village, himself following with a revolver pointing at them.

3. It is further alleged that on 5th August 1948 defendant No. 1 told the plaintiff that there was sufficient evidence against him and that he would be arrested unless he paid him a sum of Rs. 500 whereupon the plaintiff collected Rs. 200 from his friends and paid that amount to the defendant. Defendant No. 1 was, however, not satisfied with the amount and gave time till the next morning to pay up the balance. The plaintiff having failed to do so, the defendant directed that he and others should be handcuffed. He was then kept in confinement and sent to Athani in handcuffs to the Resident Magistrate, First Class, on 6th August 1948 when he was released on bail.

4. Being aggrieved by the treatment given by the Police Sub-Inspector, the plaintiff has filed the present suit in the Court of the Civil Judge, Senior Division, Belgaum.

5. It appears also that defendant No. 1 has been suspended from service and a departmental inquiry is pending against him. He has given an application to the Court requesting it to order stay of the departmental proceeding and cancellation of the suspension order pending the decision of the suit.

Grounds of Defence.

The Collector has not forwarded a proper report as required by Rule 118 of the Law Officers Rules in this case. The District Government Pleader should, therefore, obtain the necessary papers from him or the District Superintendent of Police and check up the facts. He should note the following instructions in the conduct of the defence :—

2. *Notice.*—It is alleged in the plaint that a notice of suit as required by section 80 of the

Civil Procedure Code and the District Police Act has been served on the defendants. The District Government Pleader should verify this fact and if no notice was received raise an appropriate contention in that behalf.

3. *Cause of action.*—The liability of Government is thus explained by the plaintiff in plaint paragraph 9.

"As defendant No. 1 is the servant of defendant No. 2 both are liable for the suit claim. Hence they are joined in this suit as defendants."

It is clear from this that Government is made liable as the master of defendant No. 1. The general rule which makes masters or principals responsible for torts committed by their servants or agents in the course of their employment is inapplicable between Government and its servants. The authoritative statement on this subject is contained in story on Agency and runs as follows:—

"Section 319—It is plain that Government itself is not responsible for the misfeasances or wrongs, or negligences, or omissions of duty of the subordinate officers or agents engaged in the public service; for it does not undertake to any person the fidelity of any of the officers or agents, whom it employs; ....."

4. Section 176 of the Government of India Act, 1935, provides that a Provincial Government may be sued in relation to its affairs in the like cases as the Secretary of State in Council might have been sued before the Act. Section 32 of the Act of 1919 and section 65 of the Act of 1858 had provided that every person shall have the same remedy against the Secretary of State in Council as he might have had against the East India Company if the Act of 1858 had not been passed. It has accordingly been held that a suit against Government would not lie in those matters in which it acted in the exercise of sovereign functions possessed by it and by the East India Company before it. But a suit would lie against Government for wrongs done by its servants in the course of transactions which any private person could engage in and which the East India Company as a trading company engaged in. See P. and O. Steam Navigation Company *v.* Secretary of State, 5 Bom. H.C.R. App. 1; Shivbhajan *v.* Secretary of State, 28 Bom. 314; Secretary of State *v.* Cockcraft, 39 Mad. 551; Ross *v.* Secretary of State, 39 Mad. 781; Etti. *v.* Secretary of State, I.L.R. 1939 Mad. 843. The maintenance of law and order is undoubtedly a sovereign function of Government. "The absence of any profit, the securing of the public benefit alone, are some indicia of the acts having been done in the public capacity. The policing of a province.....may be instances of the exercise of sovereign rights" (39 Mad. at page 350). The present suit is therefore not maintainable against Government.

1947

5. Apart from the general rule about the immunity of the Crown for tortious acts of its servants, the allegations in the plaint in this suit are such as to make the Police Sub-Inspector Jadhav alone liable and none other. It is alleged that defendant No. 1 committed the acts illegally and without reasonable cause and under colour of office. It is clear from these allegations that the Sub-Inspector alone is liable personally and there is no case to hold public revenues responsible. See Mackenzee Kennedy *v.* Air Council (1927) 2 K.B. 517. The sum of Rs. 200 which it is alleged extorted by the defendant No. 1 was received by him as illegal gratification and Government can be in no way responsible for its refund to the plaintiff.

6. It should also be pointed out that Government has not ratified the illegal or tortious acts of defendant No. 1 ; but has expressly disapproved of them and that the District Superintendent of Police has suspended him and a departmental inquiry was pending against him in respect of his alleged acts. The District Government Pleader should move the Court to frame a preliminary issue whether the plaintiff has a cause of action against Government. As the law appears clear, much trouble about going into evidence will be saved if the suit is decided or the preliminary issue.

7. The defendant No. 1 has made an application to the Court for staying the departmental inquiry and for quashing the suspension order. Government in Home Department has already issued orders in G.L., H.D., No. L.D.6890-G, dated the 11th May 1950, for stay of departmental proceedings. The District Government Pleader should, however, resist the prayer of the defendant for cancellation of the suspension order on the ground that suspension will not affect the Court proceedings and that apart from the departmental inquiry, the District Superintendent of Police has every right to suspend the defendant (Cf. section 29 (*3*) of the Bombay District Police Act, and Rule 1267 of the Police Manual).

21 57 5

Legal Department.

Submitted.

Please see the D.G.P.'s letter at p.1 ante. The application made by the defendant No.1 is at p.13 of the file below. The R.L.A. has already directed that the prayer for cancellation of the suspension order must be resisted and instructions have been given to the D.G.P. to oppose the application in para 7 of the brief. The D.G.P., however, requests further instructions in the matter and the following instructions are for approval.

The application has been made by the defendant No.1 under section 151 of the Civil Procedure Code. That section enacts that nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court. In order to attract these provisions the applicant has contended that the act of defendant No.2 of suspending deft. No.1 from service and of holding the departmental proceeding are calculated to obstruct and interfere with the due course of justice. So far as stay of departmental inquiry is concerned the request of the defendant No.1 is reasonable as his conduct will be directly in issue in the suit and the Court will be pronouncing its verdict on it. But suspension stands on a different footing. Suspension, properly speaking, is not a punishment (see Rule 1278(4) of the Police Manual), but has to be employed when there is a good prima facie case against the servant pending inquiry. The applicant himself has admitted that grave charges have been made against him. It is, therefore, competent to Government to order his suspension, particularly because his continuance in office would be prejudicial to the public interest. Further the suspension does

not....

does not affect the Court proceedings and it is, therefore, not competent to the Court to order its cancellation.

A.

2/1

Sol (Mof.)

3/1/57

W.S. of deft 1, Ex. 35.

W.S. of deft 2, Ex. 37.

Reg. O.S.No. 52 of 1949

Ex. 35.

I S S U E S.

1. Whether plff proves that deft 1 wrongfully and malfide arrested and wrongfully confined him as stated in paras 2, 3 and 4 of the plaint ?

2. Whether plff is entitled to any damages ? if so, plff proves the damages claimed ?

3. Whether plff proves the payment of Rs. 200/- to d eft 1- by way of illegal gratification as alleged ? Whether - interest can be allowed on Rs. 200/- ?

4. So what amount is plff entitled ?

5. Whether deft 2 is liable for the acts of deft 1 ?

6. Whether deft 2 is a necessary party ?

7. So what reliefs is plff entitled ?

No more sought.

sd. N.V.Rahasubhe.
Civil Judge, S.Dn, Belgaum.

Belgaum.
19-1-1951.

Sh- A.D. Changule

Asst Secy. of Affairs

7-12-51 B.S.D.

The plff. has no cause of action against the Govt. Deft.No.1. The plff. says that he does not wish to proceed against Deft.No.2. The suit may, therefore be kept for say of Govt. 1 an consulting the authorities concerned and put in my say.

19-2-1951.

Sd. B. J. Jakati.
List.Govt.Pleader.

W.P.L

Suits :
Belgaum.
For damages for wrongful arrest, etc.

27 69

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 7341
Bombay Castle, 9th May 1951.

Read Government Resolution, Legal Department No. 8909, dated 28th June1950.

Letter from the District Government Pleader, Belgaum, No. J. 40 of 1951, dated the 5th March 1951, stating that the suit noted in the margin was decided by the Civil Judge, Senior Division, Belgaum, on 23rd February 1951, when the following order was passed :-

In the Court of the Civil Judge (Senior Division), Belgaum.	:
Civil Suit No. 52 of 1949.	:
Annu Dada Chougule, ... Plaintiff; vs. The State of Bombay and another..Defendants.	:

"Plaintiff is allowed to withdraw the suit against defendant No. 2, vide ex. 42. Plaintiff to pay the costs of Defendant No. 2".

RESOLUTION :- The result of the suit is recorded.

By order of the Governor of Bombay,

R. T. Katarki

(R.T. Katarki),
Deputy Secretary to Government.

(original)

To

The Home Department,
The Collector of Belgaum,
The District Government Pleader, Belgaum.

- -

HSP/7/5

Submitted for signature
7/5

D. S.

Issued
9/5

Submitted after issue
of file in Belgaum 12/5/50
D Delhi
12/5

A. Sahr.

10.5